

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

VIET Q. HUYNH, aka JIM HUYNH and)
TO THUY HUYNH,)
Plaintiffs,) NO:
v.)
STATE FARM FIRE AND CASUALTY)
COMPANY)
Defendant.)

NOTICE OF REMOVAL

Defendant, State Farm Fire and Casualty Company (“State Farm”), pursuant to 28 U.S.C. § 1441, hereby gives notice that it is removing this civil action from the Circuit Court for Knox County, Tennessee to the United States District Court for the Eastern District of Tennessee at Knoxville.

1. On May 16, 2013, Plaintiffs Viet Q. Huynh and To Thuy Huynh, commenced this civil action against Defendant State Farm in the Circuit Court for Knox County, Tennessee, Case No. 3-240-13. The Complaint and Summons were served upon State Farm on or about May 17, 2013. Attached hereto is as **Exhibit A** is a copy of the entire contents of the state court file, including the complaint and summons. The service of summons and Complaint is the first notice State Farm received regarding the commencement of this action.

2. Plaintiffs allege in their Complaint that they are Tennessee citizens. They further allege damages for property damage, including repair and replacement of their entire roof, removal of mold from their home, repair or mold and water damage to the interior of their home,

including the repair of interior ceilings and interior walls. Plaintiffs further allege that State Farm acted in bad faith and request recovery of bad faith damages.

3. Upon information and belief, the damages alleged by Plaintiffs exceed \$75,000, including property damages that exceed \$60,000 and a statutory bad faith penalty of 25%.

4. State Farm is a corporation organized and existing under the laws of Illinois with its principal place of business in the State of Illinois.

5. This Court has jurisdiction over the claims in the Complaint pursuant to 28 U.S.C. 1332 (diversity) because there is complete diversity between the two Plaintiffs and the Defendant.

6. This notice of removal is being filed within thirty days of May 17, 2013, the date on which the summons and Complaint were first served on State Farm. Thus, this notice of removal is filed within thirty days after State Farm first received a copy of the initial pleading setting forth the claims for relief.

7. Pursuant to 28 U.S.C. § 1446(d), defendant will promptly give notice of this notice of removal to the Clerk of Knox County Circuit Court and to counsel for Plaintiffs in the state court proceeding. The giving of such notice will effect this removal pursuant to 28 U.S.C. § 1446(b). A copy of the state court notice is attached as **Exhibit B**.

8. By removing this action, State Farm does not waive any defenses available to it in federal or state court and expressly reserves the right to assert all such defenses in its responsive pleading.

WHEREFORE, State Farm requests that further proceedings of the Knox County Circuit Court be discontinued and that this action be removed in its entirety to the United States District Court for the Eastern District of Tennessee at Knoxville.

Respectfully submitted this 11th day of June, 2013.

PAIN, TARWATER, and BICKERS, LLP

/s/ Matthew J. Evans

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing has been properly served via U.S. Mail, postage prepaid, upon the following:

J. Stephen Hurst
Rogers & Hurst
210 W. Central Avenue
P.O. Box 1391
LaFollette, TN 37766
Counsel for Plaintiffs

This the 11th day of June 2013.

/s/ Matthew J. Evans